

June 21, 2002: "Examining the Plight of Refugees: The Case of North Korea."

Senate Judiciary Committee Testimony - North Korea
Testimony by Felice Gaer, Commissioner

United States Commission on International Religious Freedom
Before the Subcommittee on Immigration Committee on the Judiciary
of the United States Senate

June 21, 2002

Sens. Sam Brownback
(R) of Kansas and George Allen (R) of Virginia listen as Commissioner
Felice Gaer outlines the Commission's recommendations for
U.S. policy towards North Korea.

Commissioner
Felice Gaer testifying on North Korea before the Senate Judiciary
Committee's Immigration Subcommittee June 21.

Introduction

Thank you, Mr. Chairman and members of the Subcommittee. My name is Felice Gaer and I serve as a Commissioner of the U.S. Commission on International Religious Freedom. The Commission was created by Congress as an independent government agency through the passage of the International Religious Freedom Act of 1998 (Public Law 105-292). This Act mandates the Commission to monitor religious freedom violations around the world, to review U.S. government policies in response to violations of religious freedom, and to provide "policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international religious freedom." (IRFA, Title II, Section 202) The President of the United States and leaders of both the Senate and the House of Representatives appoint the members of the Commission.

I wish to thank the Subcommittee for holding this hearing and for inviting the Commission to testify today on the conditions of religious freedom and associated human rights for the North Korean people, including refugees. Indeed, the plight of the North Korean refugees is closely tied to the deplorable human rights and economic conditions in that country. In this regard, I would also like to commend you, Mr. Chairman, and Senator Brownback for your efforts in the Senate's passage of a resolution on North Korean refugees.

Mr. Chairman, the people of North Korea are perhaps the least free people on earth, barely surviving under a totalitarian regime that denies basic human rights and dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no protections for human rights or personal freedoms of any kind in North Korea. Religious freedom does not exist, and what little religious activity the government permits is reportedly staged for foreign visitors. Thus, in a August 2001 letter to Secretary Powell, the Commission recommended that North Korea be named a "Country of Particular Concern" (CPC). In October 2001, Secretary Powell followed the

Commission's recommendation and listed North Korea as a CPC.

Religion has played an important role throughout the history of North Korea. Buddhism was introduced to Korea around the fourth century, A.D. Before 1953, Pyongyang was the center of Christianity on the Korean Peninsula. Yet, after the Korean War, the North Korean government harshly repressed religious practice, and large numbers of religiously active persons were killed or sent to concentration camps.¹ Since the founding of the Democratic People's Republic of Korea (DPRK), 2,000 churches have reportedly been confiscated by the government.² The government also co-opted the already weakened Buddhist faith and has maintained some of its temples as "national treasures."³ At the same time that the government suppressed religions, it instituted the state ideology of Juché, which emphasizes, among other things, the worship of Kim Il-Sung, the country's founder.⁴

Today, the North Korean state continues its practice of severely repressing public and private religious activities, including arresting and imprisoning - and in some cases torturing and executing - persons engaged in such activities.⁵ The Commission has received reports that North Koreans who engage in religious proselytizing or other unauthorized religious activities have been arrested and imprisoned, despite the DPRK government's claims that its citizens have the right to "have or refused to have religious ceremonies individually or collectively in an open or closed way" and "to teach religion."⁶ In addition, the State Department reports that in recent years, the regime has paid particular attention in its crackdown to those religious persons with ties to overseas evangelical groups operating across the border in China.⁷

According to one press report, an estimated 6,000 Christians are incarcerated in "Prison No. 15" located in the northern part of the country.⁸ The State Department, as well as eyewitnesses who have testified before Congress and the Commission, report that prisoners held because of their religious beliefs are treated worse than other inmates.⁹ For example, religious prisoners, especially Christians, are reportedly given the most dangerous tasks while in prison. In addition, they are subject to constant abuse from prison officials in an effort to force them to renounce their faith.¹⁰ When they refuse, these religious prisoners are often beaten and sometimes tortured to death.

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left at least 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit is even greater. Simply put, there is no freedom of religion, of belief, of practice, or of the right to profess one's faith. The lack of access to religious and humanitarian non-governmental organizations, as well as the United Nations High Commissioner for Refugees further exacerbates this crisis.

The situation is so bad that tens of thousands of North Koreans have fled into China for relief. There they are often met by Western relief organizations and Christian groups from South Korea. Some refugees return home to North Korea after obtaining food or money as illegal laborers; anyone suspected of having contact with Christian organizations is detained. Many disappear and are never heard from again.

Notwithstanding the efforts of many who are devoted to helping North Koreans, the international community - governments and human rights groups - until now has paid woefully little attention to the desperate plight of the North Korean people. This lack of attention has effectively given a "pass" to the ruling regime as it flagrantly violates human rights and brutalizes its population.

Because U.S. relations with North Korea are so limited at the present time, there are very few channels for discussion of any of these issues with the North Korean government. Nevertheless, the U.S. government should not wait for discussions to resume before it takes actions to address the terrible conditions facing the North Korean people. It must bring international awareness to conditions inside North Korea and alleviate the plight of North Koreans, including refugees. At such time when dialogue with North Korea resumes, the United States must press for improvements in the delivery and monitoring of humanitarian aid, as well as for monitoring of human rights abuses.

Such an opportunity could become available soon. In early April 2002, North Korean officials reportedly indicated their willingness to resume talks with the United States. Since then, the State Department has reportedly been negotiating with the North Korean diplomats in New York for a visit to Pyongyang by Ambassador Jack Pritchard, the U.S. Special Envoy for Negotiations with the Democratic People's Republic of Korea. The Commission urges the U.S. government to take advantage of any talks to raise U.S. concerns about human rights and the humanitarian situation in North Korea.

The Commission has focused considerable attention on the situation in North Korea. In January 2002, the Commission held a public hearing in Washington and heard harrowing testimony on the situation in North Korea from witnesses on human rights conditions in the DPRK, experts on U.S.-North Korean relations, and human rights advocates. The Commission has also had extensive consultations with experts on U.S. policy, including current and former senior U.S. officials. In addition, Commission Chair Michael Young and Commission staff have made visits to both South Korea and Japan and interviewed those with first-hand knowledge of conditions inside North Korea, including North Korean refugees.

As mandated by law, each year, the Commission issues a report to the President and the Congress on its findings and recommendations. In April 2002, the Commission released its report and recommendations on North Korea. The main recommendations of this report fall under three general headings: pursuing an international initiative against human rights violations, protecting North Korean refugees, and advancing human rights through bilateral contacts. I will describe them, with particular focus on the Commission's findings and recommendations regarding the situation facing the North Korean refugees.

Commission Recommendations

I. International initiative.

In light of the dire human rights conditions in North Korea, the United States should launch a major initiative to expose human rights abuses within North Korea and to educate the international community about what is occurring there. As the collection and presentation of information is key to this effort, Congress should make funds available for independent experts to conduct an objective, comprehensive study of the human rights conditions in North Korea. At the same time, the State Department should expand its capability to collect information and monitor conditions on human rights in North Korea.

Congress should expand its support for non-governmental organizations (NGOs) that are committed to documenting and exposing the deplorable conditions of human rights in that country and for activities to raise international awareness about the human rights abuses in North Korea. The U.S. government must also use multilateral diplomacy

to advance the protection of human rights in North Korea. The United States should utilize the Trilateral Coordination and Oversight Group (TCOG), which held its most recent meeting in San Francisco early this week, to press Japan and South Korea to raise human rights in their discussions with Pyongyang. The U.S. government should also press the European Union to do the same in its ongoing discussions with North Korea. Moreover, the United States should raise human rights violations in the DPRK in international fora such as the United Nations.

Objective information about the outside world must also be provided to the people of North Korea. This won't be easy. However, the U.S. government should increase its efforts to get such information to North Koreans, including information about democracy, human rights, and the United States. Getting information into the country is critical to helping North Koreans see themselves and the regime that controls their lives in the context of the wider world, which will help increase awareness of the existence and importance of religious freedom and other human rights. To pursue these goals, the Commission recommends expanding or developing radio broadcasts and people-to-people exchanges through programs by the private sector and countries that currently have diplomatic relations with North Korea.

To ensure that the human rights conditions in the DPRK receive more consistent international scrutiny and attention, the President should continue to raise the matter publicly and take the lead in describing the conditions under which North Koreans live.

In addition, Congress should establish a caucus that could coordinate Congressional efforts, spearheading initiatives to effect important changes in North Korea. Several Congressional members have already expressed their interest in establishing such a caucus. The caucus should be modeled after successful Congressional caucuses. A North Korean caucus could hold hearings spotlighting the conditions in North Korea, regularly examine U.S. policy options to promote human rights in the DPRK, propose legislation, and explore how the United States can cooperate with other governments to advance human rights in North Korea. Our Commission stands ready to work closely with Congress to formulate and execute such policies.

II. Refugee relief.

Although the Commission is mandated by IRFA to advise the President, the Secretary of State, and the Congress on matters pertaining to religious freedom in U.S. foreign policy, it has found that when addressing the issue of human rights in North Korea, it cannot ignore the plight of the tens of thousands of North Koreans who have risked their lives to flee their homeland in search of freedom and food. The Commission recommends the United States press the Chinese government to recognize as refugees those North Koreans who have fled the DPRK.

Refugees experience numerous difficulties after arriving in China, particularly from that government's current crackdown on their presence. The Chinese government does not allow the United Nations High Commission on Refugees (UNHCR) to operate in the border region between China and North Korea, thereby preventing that organization from interviewing those crossing the border and assessing their status as refugees. Nonetheless, in the last three years, the UNHCR was able to conduct at least some interviews and found that many of these border-crossers met the criteria as refugees under international conventions.¹¹

The Chinese government's refusal to recognize North Koreans who have fled to China as refugees has forced them to remain in hiding and many have been exploited and abused as a result. For example, many North Korean refugees employed in local Chinese factories are reportedly paid only a fraction of the salary of ordinary Chinese workers, while others are compensated only with accommodation and food.¹² Young North Korean female refugees are often the victims of human trafficking, forced prostitution, and rape.¹³ Many North Korean children who fled to China unaccompanied by adults have reportedly been wandering in the three Chinese provinces adjacent to North Korea (Jilin, Heilongjiang, and Liaoning) without shelter and vulnerable to disease and physical violence.¹⁴

Russia can also be a dangerous place for North Korean refugees. Like China, Russia is party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. However, there are disturbing reports that Russian authorities have forcibly repatriated North Korean refugees. In 1999, for example, seven North Korean refugees entered Russia from China in an apparent attempt to seek eventual resettlement in South Korea. They had reportedly left China because they were concerned about their safety if they remained there. However, despite the fact that the refugees had indicated that they were North Koreans and expressed profound fear of retaliation if they were repatriated, Russian authorities handed the refugees over to Chinese authorities, who subsequently repatriated them to North Korea. The whereabouts of at least one of these refugees remains unknown.¹⁵

North Korean refugees who are either forcibly repatriated or captured after having voluntarily returned to the DPRK are accused of treason or the abandonment of their country and countrymen in the midst of hardship.¹⁶ Some reports indicate that North Korean officials routinely question repatriated (forcibly and voluntarily) North Koreans whether they had contact with either South Koreans or Christian missionaries while outside the country. Those who are found to have had such contacts are subjected to severe punishment, including the death penalty.¹⁷ It has been reported that 6,000 North Korean refugees were forcibly repatriated from China to the DPRK in 2000.

Despite these challenges, North Koreans continue to risk their lives in search of economic and political freedoms. Since March 2002, over 60 North Korean refugees have sought political asylum

at foreign embassies in Beijing and foreign consulates in Shenyang; more are expected in the near future. Approximately 20 of the refugees remain in these diplomatic compounds awaiting safe passage out of China. Meanwhile, Chinese police, have entered foreign embassies and detained North Korean refugees. Moreover, Chinese officials have intensified their crackdown against both North Korean refugees and those international NGOs and South Korean Christian groups who are providing much needed services to the refugees in the border provinces of China.

Some observers contend that if the Chinese are pushed too hard on the issue of North Korean refugees, they may close their border altogether and/or expel all North Koreans. Nonetheless, the current situation is unconscionable. Furthermore, it is clear that the North Koreans who fled to China and elsewhere have a well-founded fear of persecution if they return to the DPRK. Although the UNHCR has stated that "[u]nder no circumstances should [the North Korean refugees] be sent back [to the DPRK]," the Chinese government has done just that. In light of the increasing flow of North Korean refugees seeking resettlement outside China, it is now more important than ever for the United States to press the Chinese government to recognize those North Koreans who have fled the DPRK as the refugees they clearly are.

III. Bilateral contacts.

The United States currently has no diplomatic relations with the DPRK. Moreover, there is no regular high-level official dialogue between the two countries, although there are reports that talks may resume very soon as Ambassador Jack Pritchard is reportedly making preparations to visit Pyongyang. The U.S. government should use what contacts it does have with the North Korean government to advance an agenda that includes the protection of religious freedom and other human rights. In addition, the United States should work with the international community to urge the DPRK to permit foreign diplomats, journalists, humanitarian workers, and human rights monitors, including relevant UN rapporteurs, adequate freedom of movement to assess the status of religious freedom and other human rights, including the right to food.

The North Korean government should also be urged to address the concerns and implement the recommendations of the UN Human Rights Committee that resulted from that body's review of the DPRK's compliance with its international human rights treaty obligations.

Continuing and expanding humanitarian assistance to North Korea is key to advancing an agenda to protect religious freedom and other human rights in that country. The U.S. government should urge the North Korean government to allow considerable expansion of both the amount of assistance and the number of aid providers, which

should include NGOs.

The United States should also work to ensure that the delivery of such aid is adequately monitored. The Commission is troubled by many reports that the aid has not reached its intended recipients and has been diverted for use by North Korean elites and the military. The Commission urges the U.S. government to ensure that the continued delivery of food aid is conditioned upon adequate monitoring and that the source of the aid is accurately identified. Furthermore, there should be no discrimination in the provision of that aid, with regard either to the recipients or the deliverers of the assistance.

Finally, there are hundreds of thousands of Korean Americans and people of Korean ancestry in the United States. Recently, the North Korean government agreed to resume inter-Korean family reunions. The North Korean government should also allow those Americans with family ties in North Korea to reunite with their parents, siblings, children, and other relatives who are still living in that country. The United States should press this concern in any resumption of bilateral dialogue.

Conclusion

The government of the United States is right to seek to preserve peace on the Korean Peninsula and remove the threat from weapons of mass destruction. But it must also address the terrible repression foisted on the North Korean people daily, including North Korean refugees. The potential positive impact on world peace by societies that respect human rights cannot be underestimated. As the late Nobel laureate Andrei Sakharov asserted: "I am convinced that international confidence, mutual understanding, disarmament, and international security are inconceivable without an open society with freedom of information [and] freedom of conscience...." The North Korean government doesn't care about the rights and freedoms of its citizens - or even their lives. Somebody has to.

This concludes my testimony. I ask that the Commission's prepared remarks, as well as the Commission's full report on North Korea, be submitted for the record.

1 U.S. Department of State, Annual Report on International Religious Freedom 2001, "Democratic People's Republic of Korea," p. 168.

2 Commission interview with South Korean Protestant church leader, February 9, 2002, Tokyo, Japan.

3 Library of Congress, "The Role of Religion," Country Studies: North Korea (Internet).

4 Stephen Linton, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, Hearing on Promoting Religious Freedom in North Korea, January 24, 2002.

5 Sang-Chul Kim, Written Testimony Submitted to the U.S. Commission on International Religious Freedom, Hearing on Promoting Religious Freedom in North Korea, January 24, 2002. See also State Department's 2001 International Religious Freedom Report, p. 169.

6 UN Human Rights Committee, Second Periodic Report of the Democratic People's Republic of Korea on its Implementation of the International Covenant on Civil and Political Rights, UN Doc. CCPR/C/PRK/2000/2, May 4, 2000, 111.

7 U.S. Department of State, Country Reports on Human Rights Practices 2001, "Korea, Democratic People's Republic of" (<http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8330.htm>, accessed April 2, 2002).

8 Doug Struck, "Keeping the Faith, Underground," Washington Post, April 10, 2001.

9 2001 Report on International Religious Freedom, p. 169.

10 Soon-Ok Lee, U.S. Commission on International Religious Freedom, Hearing on Promoting Religious Freedom in North Korea, January 24, 2002, p. 27.

11 Elizabeth Rosenthal, "U.N. Group Backs North Korean Asylum Seekers in China," New York Times, March 15, 2002.

12 Seung-yong Lee, "Working Towards the Resolution for North Korean Refugees in China," Third Annual International Conference on North Korean Human Rights and Refugees, Tokyo, Japan, February 9 - 10, 2002.

13 Young-hwa Lee, "Stepped Up Oppression on North Korean Refugees," Third Annual International Conference on North Korean Human Rights and Refugees, Tokyo, Japan, February 9 - 10, 2002.

14 Ibid.

15 Video presentation, Third Annual International Conference on North Korean Human Rights and Refugees, Tokyo, Japan, February 9 -10, 2002.

16 Interview with Mr. Seung-yong Lee, Director for Research of the Good Friends, February 6, 2002, Seoul, Republic of Korea.

17 "China Urged to Grant Refugee Status to DPRK Defectors," Korea Herald, May 9, 2001. Interview with Mr. Sang-Chul Kim, November 2001, Seoul, Republic of Korea.